

PART J: NON-CASH MAINTENANCE

General

38.9000 Sub-section 10(1) of the Social Security Act provides that the amount of a payment or the value of a benefit that is received by the person (or the dependent child of the person) for the maintenance of a dependent child of the person (or for the person's own maintenance) and is received from:

- (i) a parent of the child; or
- (ii) the partner or former partner of a parent of the child.

is assessable as maintenance income.

38.9001 This means that for any non-cash payments to be assessable under the maintenance income test they must be for the maintenance of the dependent child (or the person). That is, the payment must be for the provision of the means to live, be educated, be entertained or otherwise live and participate in society.

38.9002 Non-cash maintenance includes non-cash support, or payments made to a third party. Examples of components which may form non-cash maintenance include:

- food;
- clothing;
- household items;
- rent;
- mortgage payments;
- free lodging;
- health insurance;
- medical expenses;
- loan repayments;
- credit card and store account repayments;
- child care fees;
- school and tuition fees;
- general education expenses;
- sporting club fees;
- sporting costs including, equipment, associated travel and accommodation costs, coaching fees;
- travel or holiday expenses;
- utility bills, ie electricity, gas, telephone, heating;
- rates, ie council, water, sewerage;
- motor vehicle expenses; and
- household repairs.

(this list is corresponding)

38.9003 Expenses which would normally be incurred by the non-custodial parent and are deemed by the delegate to be usual costs and payments for children of a relationship are not to be taken into account. However, where these payments or benefits are very large when compared with the usual costs and payments for children they should be assessed unless the delegate is satisfied that they are not intended to avoid the maintenance income test.

38.9004 Examples of items which would not usually be assessed as non-cash maintenance are:

- gifts, eg birthday or Christmas presents;
- payments of travel expenses, entertainment or other expenses during contact periods;
- pocket money.

38.9005 Details of non-cash maintenance are requested on the form 'Details of your Maintenance/Child Support' (Form SC245), and on the review forms. The customer should also be asked at the pre-grant interview whether there is any written agreement (eg court order or registered agreement) for the provision of non-cash maintenance (a copy of any written agreement should be obtained).

38.9006 Care should be taken that the payments are clearly specified as being maintenance and are not for some other purpose, eg property settlement/transfers. If a property settlement/transfer has